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SEP 27 2004 12:24 FR BAYER-PATENT DEPT.

4127778364 TO 915712730710

P.02/05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lutz Asmann et al.  
Serial No: 10/010,434  
Filed: December 6, 2001  
Title: ISOTHIAZOLE CARBOXYLIC ACID AMIDES AND THE  
APPLICATION THEREOF TO PROTECT PLANTS  
Art Unit: 16 26  
Examiner: I. I. Stockton

DECLARATION

I, Peter Dahmon, of 41470 Neuss, Altebrückerstr. 61, Germany, a citizen of Germany, declare that:

1. I am an agronomist having studied at the University of Bonn, Germany;
2. I received the degree of Doctor agr. at the University of Bonn in the year of 1990;
3. I further specialized in the field of plant protecting agents, in particular herbicides and fungicides;
4. In the year of 1991, I entered the employ of Bayer Aktiengesellschaft ( now Bayer CropScience AG ) at Leverkusen, Germany, where I am still employed in the Biological Research Department at Monheim, Germany;
5. The following tests have been carried out under my supervision and direction.

Le A 32 692-US-2

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## Example 1

Erysiphe test (barley) / protective

Solvent : 50 parts by weight of N, N - dimethylformamide

Emulsifier : 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for protective activity, young barley plants are sprayed with the preparation of active compound at the stated rate of application. 1 day after the treatment, the plants are inoculated with spores of *Erysiphe graminis* f. sp. *hordei*. The test plants are then placed in a greenhouse at a temperature of 20°C and a relative atmospheric humidity of 80 % to promote the development of mildew pustules.

The test is evaluated 7 days after the inoculation. 0% means an efficacy which corresponds to that of the control, while an efficacy of 100 % means that no disease is observed.

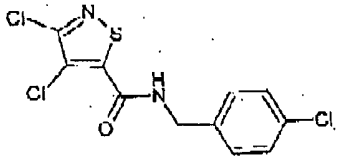
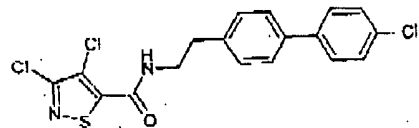
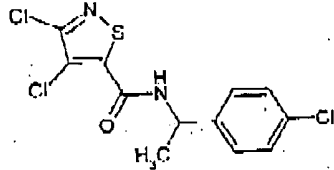
The active compounds, amounts of active compounds and results are shown in the following table.

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Table 1

Erysiphe test (barley) / protective

Active compound	Rate of application of active compound in g/ha	Efficacy in %
<u>known from US-A 5 240 951 (Comp. No.36)</u> 	375	47
<u>according to invention:</u> 	375	71
	375	86

The undersigned declarant declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 2001-06-16

Monheim, Germany

Peter Dahmen

( Peter Dahmen )

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4127778364 TO 915712730710

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**Bayer MaterialScience**



Date: September 27, 2004

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U.S. Patent Office  
Group No. 1626

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Per your request, attached is a copy of the Declaration of  
Peter Dahmen. ( 4 pages)

Bayer MaterialScience LLC  
100 Bayer Road  
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